

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7278**

**BILL NUMBER:** SB 606

**NOTE PREPARED:** Jan 6, 2013

**BILL AMENDED:**

**SUBJECT:** Public use of school buildings and school grounds.

**FIRST AUTHOR:** Sen. Schneider

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** This bill provides that a governing body of a school corporation may, on its own initiative, and shall, upon the approval of a petition by the voters of the school corporation, establish and maintain in the school buildings and on the school grounds under the custody and management of the governing body: (1) evening schools; (2) vacation schools; (3) debating clubs; (4) community centers; (5) gymnasiums and other recreational facilities; (6) public playgrounds; (7) public baths; and (8) similar activities and accommodations; without charge to the residents of the school corporation. It specifies that a governing body must ensure that the use of school buildings and school grounds for any of these activities does not interfere with the use of the school buildings and school grounds during school hours or for any other educational purpose.

It provides that, for purposes of the law concerning tort claims against governmental entities, the governing body or an employee of the governing body is not liable for an injury to a person or the property of a person who is engaged in one of these activities unless the injury is the result of an act or omission by the governing body or the employee that amounts to gross negligence, willful or wanton misconduct, or intentional misconduct.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Under this bill, a school corporation would not be held liable in certain

situations involving the use of its facilities by the public unless it intentionally ignored a potential hazard within the facility.

There are currently no data available to indicate if this bill would influence the number of civil suits brought by individuals seeking compensation from school corporations for damages caused by the individual's use of its facilities. The fiscal impact would depend on whether the school would have to incur costs such as attorney's fees in defending itself in civil suits, and pay damages if this provision were not implemented. This provision may also result in lower liability insurance cost for some school corporations; the amount of the decrease, if any, is indeterminable at this time.

*Additional Information:*

Under current law, the authority to make school facilities available (either voluntarily or via a referendum) to the public rests with the board of school trustees in a second or third class city, a board of school trustees of a town, or the school trustees of a school township. This bill transfers the authority to the governing body of the school corporation.

The referendum process has also changed under this bill. Under current law, the petition has to be filed with the clerk of a municipality or the trustee of any township. It has to be signed by at least ten percent (10%) of the number of voters voting at the last general election held in the city, or at least one hundred (100) freeholders living in a town or township.

Under this bill, the petition has to be filed with the circuit court clerk of the county that has the greatest percentage of the population of the school corporation. It must be signed by at least ten percent (10%) of the number of voters voting at the last general election held within the school corporation.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** School corporations; Board of school trustees in second or third class cities, towns, and school townships; Circuit court clerks.

**Information Sources:**

**Fiscal Analyst:** David Lusan, 317-232-9592.